UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,885	11/24/1999	Keizou Baba	2271/60735	5564

7590 04/02/2004

Ivan S Kavrukov Esq
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER	
CARTER, AARON W	
ART UNIT	**PAPER NUMBER**
2625	

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/448,885	BABA, KEIZOU	
	Examiner	Art Unit	
	Aaron W Carter	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 November 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to papers filed on December 3, 2003.

Response to Amendment

2. In response to applicant's amendment received on December 3, 2003, all requested changes to the specification and claims have been entered.

Response to Arguments

3. Applicant's arguments filed December 3, 2003 have been fully considered but they are not persuasive.

Applicant's argue that the combination of Fukushima and Satoh does not discloses a facsimile device and a PC connected with the facsimile device, wherein the PC includes monitoring software for monitoring a state of a memory transmission file of the facsimile.

Examiner disagrees, a stated in the previous action, paper 8, Satoh does not explicitly disclose that his PC includes monitoring **software**, however Satoh does disclose that his PC includes monitoring the state of a memory transmission file of a facsimile. Satoh does send request commands from the PC to the facsimile, these commands request the state of transmission (column 6, lines 32-37 and column 7, lines 22-28), it is inherent that everything on a PC is run by software, therefore, although not explicitly said, software creates the request

commands sent to the facsimile that returns transmission status, this corresponding to monitoring software.

Applicants argue that Satoh does not disclose or suggest that prompt notice of a status of the memory transmission is displayed with out action by the user to select and retrieve information for display.

Examiner disagrees, Satoh discloses that the PC receives the report data and displays one or more messages on display based on the received report data (column 7, lines 42-44). It does not say that the user must select and retrieve information. As for the prompt notice, Satoh discloses the automatic report of data from the facsimile to the PC, as soon as the facsimile generates a report (column 7, lines 62-64).

Applicant's argue that the none of the prior art teach or suggest that when a memory transmission by the facsimile is completed, a message of a completion thereof is displayed on a displaying panel of the PC immediately after. Applicants also argue that when there exists a communication error by the facsimile, a message of an alarm is displayed on a displaying panel of the PC immediately thereafter.

Examiner disagrees, Satoh discloses in the background that one problem that is to be fixed by his invention is that the user will not have to physically be present at the facsimile device to receive a communication report or an error report generated by the facsimile device. Satoh further discloses that the facsimile device transmits data to the PC indicating whether it is currently transmitting or receiving data over a phone line (column 6, lines 34-37), these

including reports that indicate whether a document transmission by a facsimile device has been successfully completed or whether an error has occurred (column 7, lines 45-50). Satoh goes on to say that these reports can be sent to the PC automatically by the facsimile, this corresponding to immediately, and those reports are displayed on the PC's display without user assistance (column 7, lines 42-44, wherein the automatic displaying of the report can be considered an alarm).

Applicants argue that none of the prior art teach or suggests that when there exists a file in the facsimile device indicating a communication error, that the file may deleted from a personal computer or that the address of the communication error file and/or transmission property thereof can be changed from the PC.

Examiner disagrees, Satoh discloses that when a document to be sent out by the facsimile device, it is scanned and stored as a file in RAM (column 5, lines 18-22), when transmission does not go properly a communication error is generated (column 7, lines 45-47), as a result there exists a file, the documents to be sent out, in the facsimile device indicating a communication error. The user at the PC receives the error report and press a key on the keyboard or using the mouse requests an action be performed at the facsimile, while not explicitly said, it is inherent to ordinary facsimile device user, that this action will be that of deleting the file and then resubmitting it for transmission again, or the address of the file or the transmission property can be changed from the PC. As stated the rejections below, Fujino provides an example of deleting the file or changing the address or transmission property.

Claim Objections

4. Claims 9 and 10 are objected to because of the following informalities:

As to claims 9 and 10, these independent claims appear to be completely identical and one should be cancelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 *(c)* of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 6-7 are rejected under 35 U.S.C. 102e as being anticipated by Fukushima et al. (US. 5812279).

Regarding claim 6, Fukushima et al disclose a method of monitoring a facsimile device comprising the steps of:

Monitoring a state of a memory transmission of said facsimile (fig. 5 combined with Figs. 8a – 8d, 9a – 9f, 12a – 12b, and 13).

Displaying a message of completion of the memory transmission on a displaying panel fro a personal computer, immediately after the memory transmission is completed (fig. 5 combined with Figs. 8a – 8d, 9a – 9f, 12a – 12b, and 13).

6. Regarding claim [7], Fukushima et al disclose a method of monitoring a facsimile device comprising the steps of:

Monitoring a state of a memory transmission file of said facsimile (fig. 5 combined with Figs. 8a – 8d, 9a – 9f, 12a – 12b, and 13).

Displaying an error message indicating a communication error in the memory transmission on a displaying panel a personal computer, immediately after the communication error occurs (fig. 5 combined with Figs. 8a – 8d, 9a – 9f, 12a – 12b, and 13 and column 6, lines 48-53 wherein the facsimile could also broadly be considered a PC)).

7. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Satoh (US 5936743).

Regarding claim [11], Satoh disclose a facsimile device monitoring system for monitoring a communication result of a facsimile device from an external terminal (fig. 2, col. 3, lines 47-65), comprising:

A facsimile device provided with a result sending -out medium sending out a communication result to an external terminal (Fig. 5, col. 7, lines 35-41; Fig. 9, col. 8, lines 37-62).

An external terminal provided with a display medium displaying and outputting the communication result sent from said facsimile device (fig. 7, col. 8, lines 5-36), and

A result-monitoring medium executing an operation of sending out a result of the communication performed by said facsimile device to said external terminal periodically (fig. 4, col. 6, lines 45-59; col. 7, lines 35-41 and 62-64, wherein it is inherent that these reports are received periodically).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh (US. 5936743) in view of Fukushima et al. (US. 5812279).

Regarding claims 1 and 2, Satoh disclose a facsimile monitoring system comprising:

A facsimile having an interface, which can be connected with a personal computer (Fig. 8, elements 20 and 21); and

Satoh also discloses the ability to monitor the state of a transmission file of said facsimile from the PC by automatically receiving reports from the facsimile (column 7, lines 35-41 and 62-64) and displaying this report on the display of the PC when received by the PC (column 7, lines 42-44). For example, displaying an indication that document transmission attempted by facsimile has been successfully completed or that there were errors (column 7, lines 46-50). Although Satoh neglects to disclose that the PC specifically is equipped with monitoring software for monitoring a state of a memory transmission file of the facsimile although it is inherent that the facsimile of Satoh contains memory transmission monitoring software since the CPU of the facsimile is capable of sending reports to the PC relating to memory transmission.

Fukushima, on the other hand, discloses a memory transmission monitoring software in figures 8a – 8d, 9a – 9f, 12a – 12b, and 13 when combined with indicating messages of figure 5. For example, when a memory transmission error occurs indication I fig. 5, "Line Error" is displayed on the display of the facsimile (column 6, lines 48-53 wherein the facsimile could also broadly be considered a PC) or when memory transmission is completed indication h of fig. 5, "Transmission Completed" is displayed. Therefore it would have been obvious to one of ordinary skill in the art to combine inventions of Satoh and Fukushima. This would provide the PC of Satoh with the monitoring system of Fukushima.

10. Claim 3-5 and 8-10 are rejected under 35 U.S.C. 1 03(a) as being unpatentable over Satoh and Fukushima et al. in view of Fujino (US. 6476935).

Regarding claims 3-5 and 8-10, Satoh disclose a facsimile monitoring system comprising: A facsimile having an interface, which can be connected with a personal computer (fig. 8, elements 20 and 21); and

Satoh discloses in Fig. 8 a facsimile (21) connected to a personal computer (20) in which the two devices communicate with each other (15 and 28). Satoh also discloses the ability to monitor the state of a transmission file of said facsimile from the PC by automatically receiving reports from the facsimile (column 7, lines 35-41 and 62-64) and displaying this report on the display of the PC when received by the PC (column 7, lines 42-44). For example, displaying an indication that document transmission attempted by facsimile has been successfully completed or that there were errors (column 7, lines 46-50, this corresponds to results of the communication performed by the facsimile). In figure 7, Satoh discloses that once the report is received at the PC, such as one indicating an error in communication, the User can then take action by pressing a key and the procedure related to that key stroke is then performed by the facsimile, such as deleting or retransmitting an erroneous communication file, although this is not explicitly disclosed by Satoh it would have been obvious. Satoh neglects to disclose that the PC specifically is equipped with monitoring software for monitoring a state of a memory transmission file of the facsimile although it is inherent that the facsimile of Satoh contains memory transmission monitoring software since the CPU of the facsimile is capable of sending reports to the PC relating to memory transmission.

Fukushima, on the other hand, discloses a memory transmission monitoring software in figures 8a – 8d, 9a – 9f, 12a – 12b, and 13 when combined with indicating messages of figure 5. For example, when a memory transmission error occurs indication I fig. 5, "Line Error" is

displayed on the display of the facsimile (column 6, lines 48-53) or when memory transmission is completed indication h of fig. 5, "Transmission Completed" is displayed. In the case in which a "Line Error" which corresponds to a communication error, the operator given the opportunity to decide whether or not the image is one that the operator desires to transmit, which is obviously eluding to retransmit or delete (column 6, lines 54-57).

Fujino discloses allowing the operator to start and stop transmission, which corresponds to begin and abort or delete a transmission and to enter in the destination number or address (column 4, lines 65-67, column 6, lines 15-17 and column 10, lines 49-62), and detect busy lines (Fig. 3). Therefore it would be obvious that the user could detect that a destination address is busy or there is a line error and then delete and/or change the transmission to a new address and transmission properties.

Therefore it would have been obvious to combine the invention of Satoh with the teachings of Fukushima and Fujino, providing the Satoh's PC with monitoring software of Fukushima, and the manipulation of a communication error as taught by Fujino.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh as applied to claim 11 above, and further in view of Fukushima.

As to claim 12, this claim is rejected for the same reason applied to claims 1 or 2 above.

12. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh as applied to claim 11 above, and further in view of Fukushima and Fujino.

As to claims 13-18, these claims are rejected for the same reasons applied to claims 3-5 above.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W Carter whose telephone number is (703) 306-4060. The examiner can normally be reached on 7am - 3:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

awc

BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600